

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

HAROLD J. BECK,	:	CIVIL ACTION NO. 1:07-CV-0294
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
MONROE COUNTY CORRECTIONAL :	:	
FACILITY et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 26th day of June, 2007, upon consideration of the motion to dismiss plaintiff's complaint pursuant to FED. R. CIV. P. 12, filed on behalf of defendant Shah¹ (Doc. 37), and it appearing that plaintiff failed to oppose the motion in accordance with the local rules of court, and the Third Circuit having held that consistent with local rules of court, a motion to dismiss may be granted without a merits analysis "if a party fails to comply with the rule after a specific direction to comply from the court," Stackhouse v. Mazurkiewicz, 951 F.2d 29, 30 (3d Cir. 1991), and plaintiff having been warned *via* order of this court (Doc. 39) that his failure to file an opposition brief on or before June 15, 2007, would result in the motion being deemed unopposed and an order granting the motion to dismiss without a merits analysis, see L.R. 7.6, and it further appearing that as of the date of this order plaintiff has failed to file his opposition brief, it is hereby ORDERED that:

¹Dr. Shah is mistakenly identified in the complain as "Dr Shaw." (Doc. 1, p. 2).

1. Defendant Shah's motion to dismiss (Doc. 37) plaintiff's complaint is DEEMED unopposed pursuant to L.R. 7.6 and is GRANTED without a merits analysis. Stackhouse v. Mazurkiewicz, 951 F.2d 29, 30 (3d Cir. 1991)
2. The Clerk of Court is directed to TERMINATE defendant's motion.
3. The Clerk of Court is further directed NOTE on the docket sheet that defendant Shah is terminated as a defendant.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge